

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

ADRIAN HOLMES

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**No. 3:98-CR-6
(Phillips)**

ORDER

This matter is before the court on the defendant's *pro se* motions brought pursuant to 18 U.S.C. § 3582(c) [Docs. 105, 113]. The government has filed a response deferring to the court's discretion as to the amount the defendant's sentence might be reduced [Doc. 112]. The court also has received a modified presentence report from the United States Probation Office.

The defendant was sentenced by the Honorable James J. Jarvis on January 22, 1999, to 180 months imprisonment for conspiracy to distribute crack cocaine and for possession of a firearm by a convicted felon. This sentence was based on a guideline range of 151-188 months (base offense level 29 and a criminal history category VI). According to the Bureau of Prisons, the defendant is scheduled for release on January 21, 2012.

Under the retroactive amendment to the crack guidelines, the defendant's new guideline range is 140-175 months (base offense level 28 and a criminal history

category VI). Thus, a comparable sentence near the top of the of the guideline range would be 168 months.

It is hereby **ORDERED** that the defendant's motions [Docs. 105, 113] are **GRANTED**, and the defendant's sentence is reduced to 168 months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated January 22, 1999, shall remain in effect.

ENTER:

s/ Thomas W. Phillips
United States District Judge